

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DONALD AGEE, JR. et al.,

Plaintiffs,

v.

JOCELYN BENSON, et al.,

Defendants.

Case No. 1:22-CV-00272-PLM-RMK-JTN

**MOTION OF THE COMMISSION TO
STRIKE CERTAIN EVIDENCE
UNTIMELY PRESENTED BY
PLAINTIFFS**

NOW COME the Michigan Independent Citizens Redistricting Commission and its members¹ (collectively, the Commission), by counsel, and respectfully move this Court for an order striking from the record certain evidence Plaintiffs untimely presented for the first time in their post-trial filings.

This Motion is supported by the accompanying Brief in Support, which are incorporated herein by this reference. A Certificate is also filed in compliance with W.D. Mich. Civ. R. 7.1(d) reflecting counsel's unsuccessful attempt to gain Plaintiffs' concurrence with this motion.

Dated: December 8, 2023

Respectfully submitted,

/s/ Nathan J. Fink

FINK BRESSACK

David H. Fink (P28235)

Nathan J. Fink (P75185)

38500 Woodward Ave., Suite 350

Bloomfield Hills, Michigan 48304

(248) 971-2500

dfink@finkbressack.com

nfink@finkbressack.com

¹ The official-capacity defendants are Douglas Clark, Juanita Curry, Anthony Eid, Rhonda Lange, Steven Terry Litt, Brittini Kellom, Cynthia Orton, M.C. Rothhorn, Rebecca Szetela, Janice Vallette, Erin Wagner, Richard Weiss, and Dustin Witjes.

/s/ Richard B. Raile

BAKER & HOSTETLER LLP

Katherine L. McKnight

E. Mark Braden

Richard B. Raile

Dima J. Atiya

1050 Connecticut Ave., NW, Suite 1100

Washington, D.C. 20036

(202) 861-1500

kmcknight@bakerlaw.com

mbraden@bakerlaw.com

rraile@bakerlaw.com

datiya@bakerlaw.com

BAKER & HOSTETLER LLP

Patrick T. Lewis

127 Public Square, Suite 2000

Cleveland, Ohio 44114

(216) 621-0200

plewis@bakerlaw.com

*Counsel for Defendants, Michigan Independent
Citizens Redistricting Commission, and Douglas
Clark, Juanita Curry, Anthony Eid, Rhonda
Lange, Steven Terry Litt, Brittnei Kellom,
Cynthia Orton, M.C. Rothhorn, Rebecca
Szetela, Janice Vallette, Erin Wagner, Richard
Weiss, and Dustin Witjes, each in their official
capacities as Commissioners of the Michigan
Independent Citizens Redistricting
Commission*